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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,549	06/27/2003	Jae Cheol Lyu	K-103C	7415
34610	7590	11/09/2006	EXAMINER	
FLESHNER & KIM, LLP			PERRIN, JOSEPH L	
P.O. BOX 221200			ART UNIT	
CHANTILLY, VA 20153			PAPER NUMBER	

1746

DATE MAILED: 11/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/607,549

Applicant(s)

LYU ET AL.

Examiner

Joseph L. Perrin, Ph.D.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-18 and 21-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-18 is/are allowed.
- 6) ☒ Claim(s) 7 and 21-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20061003;20060726;20060411.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Regarding the rejection under 35 USC §112, first paragraph, applicant argues that the claimed “configured to” language is supported in the original disclosure, pointing to Figures 7-8 and the corresponding disclosure in paragraphs 44-46. While this portion of the original disclosure supports a specific configuration (i.e. the configuration of Figures 7-8), the claimed “configured to” language is broader in scope than the specific configuration of Figures 7-8 and therefore is considered new matter because the scope of claim 7 is broader than the original disclosure as filed. That is, the “configured to” language claimed by applicant reads on other configurations other than the configuration of Figures 7-8 which are capable of performing the function of adjusting the space. Thus, applicant’s original disclosure fails to provide adequate support for the scope of the claimed invention which is broader in scope than the particular configuration of the original disclosure (Figures 7-8 and relative associated text).
2. Regarding the rejection under 35 USC §112, second paragraph, applicant’s arguments in view of the amendment to claim 7 are persuasive and the rejection is withdrawn.
3. Applicant’s arguments in view of the amendment filed 31 August 2006, with respect to the rejection(s) of claim(s) 7 & 21-31 under 102(b) as being anticipated by KOHSAKA & under 103(a) as being unpatentable over LEE have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon

further consideration, a new ground(s) of rejection is made in view of U.S. Patent No. 5,657,650 to LEE *et al.* (hereinafter "LEE '650).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant's limitation of "configured to adjust a space between the upper tub cover and the lower tub cover" is considered new matter. This broad "configured to" language reads on various structures not disclosed or supported by applicant's original disclosure.

Claim Rejections - 35 USC § 102

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
7. Claim 21-31 are rejected under 35 U.S.C. 102(b) as being anticipated by LEE '650. LEE '650 discloses a washing machine having a tub cover (100) mounted to the top of outer tub (220), the tub cover comprising an annular upper tub cover (110) and

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annular lower tub cover (130) connected to the outer tub forming washing water passage (140) thereinbetween for guiding washing water through spray nozzles (160/162) and onto the clothing, the upper and lower covers having portions which extend vertically and provide a space between the covers (readable on the broad recitation "height adjusting member" which provide a space thereinbetween) (see Figures 1-4 and relative associated text). The Examiner notes that the rejection of the "height adjusting member" still applies as in the previous rejection since such member existing to provide a space anticipates applicant's broadly claimed "member". That is, the member does not positively recite the member adjustably spacing the upper and lower tub covers and without such functional language any structure which spaces the tub covers is considered to read on a "height adjusting member". Given the broadest reasonable interpretation in view of the specification, for instance original claim 8, the member may provide function "for maintaining a space between the upper tub cover and the lower tub cover" and absent any functional language the claimed "member" will be examined accordingly. Applicant is urged to positively recite the adjustable space function for all claims directed to the height adjusting member (i.e. claims 8 & 23) to clearly distinguish the claimed height adjusting members over LEE '650.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

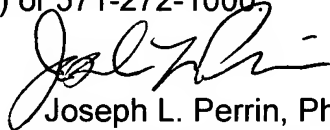
9. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 7:00-4:30, except alternate Fridays.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Joseph L. Perrin, Ph.D.
Primary Examiner
Art Unit 1746

JLP